

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 450 Golden Gate Avenue
San Francisco, CA 94102
4 Telephone: (415) 436-7700
5 Counsel for Defendant HICKEY

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,

12 v.

13
14 DANIEL HICKEY,
15 Defendant.
16

) No. CR-07-634 MMC
)

) DECLARATION OF ELIZABETH M.
) FALK IN SUPPORT OF
) DEFENDANT'S SENTENCING
) MEMORANDUM
)

) Date: April 23, 2008
) Time: 2:30 p.m.
) Court: The Honorable Maxine M.
) Chesney
)

17
18 I, Elizabeth M. Falk, declare the following to be true under penalty of perjury:
19

- 20 1. I am an Assistant Federal Public Defender and am counsel of record for Daniel Hickey;
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22 2. Attached hereto are documents that I received that I now submit to the Court in support
23 of Mr. Hickey's sentencing;
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26 Falk Declaration in Support of Defendant's
Sentencing Memorandum
No. CR-07-634 MMC

- 1 3. Exhibit A to this Declaration is a letter written by Dr. Michael Shlipak, who is Mr.
2 Hickey's treating physician at the VA Medical Center. Dr. Shlipak has indicated to me
3 that he is available to the Court to answer any questions the Court may have about Mr.
4 Hickey's ongoing medical conditions. His telephone number is 415-221-4810 X 3381;
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- 6 4. Exhibit B to this Declaration is a letter written by Dr. Robert Daroff, who is Mr.
7 Hickey's treating psychiatrist at the VA Medical Center. This letter concerns Mr.
8 Hickey's mental health. Dr. Daroff has indicated to me that he is available to the Court
9 to answer any questions the Court may have about Mr. Hickey's ongoing medical
10 condition. His telephone number is 415-221-4810 x 4366;
11
- 12 5. Exhibit C to this Declaration is a letter from Mr. Hickey's employer/landlord, William
13 Joe. This letter explains that Mr. Hickey works as the building manager, and that his
14 family receives a below-market rental rate of \$900.00 for a \$2500.00 per month unit
15 due to Mr. Hickey's employment with the building;
16
- 17 6. Exhibit D to this Declaration is letters of support and/or declarations written by family
18 members Harlan Hickey (son), Holly Sadoff (daughter), Larry Gelwix (former Bishop
19 with the Morman church and friend of Mr. Hickey for 25 years) and Calixta Ho
20 (mother-in-law of Dan Hickey). Mr. Hickey's wife, Stella Hickey, is expected to
21 contribute a letter later this week;
22
- 23 7. Exhibit E to this Declaration is military records reflecting Mr. Hickey's service as a
24 United States Marine, including proof of combat missions, awards, medals,
25 commendations, and honorable discharge;
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2 8. Exhibit F to this Declaration is Mr. Hickey's teaching certificates and records, letters of
3 recommendations, and thank-you letters written to Mr. Hickey for his time contributing
4 to community service functions;

5
6 9. Exhibit G to this Declaration is a newspaper clipping documenting Mr. Hickey's
7 election as student body president of his high school.
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9 Dated: April 16, 2008

10 BARRY J. PORTMAN
11 Federal Public Defender

12 /S/

13 ELIZABETH M. FALK
14 Assistant Federal Public Defender
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